

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

AMERICAN COLLEGE OF
OBSTETRICIANS AND
GYNECOLOGISTS, et al.,

Plaintiffs,

vs.

UNITED STATES FOOD AND DRUG
ADMINISTRATION, et al.,

Defendants.

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Case No. 8:20-cv-1320 TDC

JOINT RESPONSE TO SCHEDULING ORDER

Plaintiffs and Defendants (together, the “Parties”) jointly file the following response to the Court’s scheduling order, dated June 1, 2020 (ECF No. 37):

1. Plaintiffs filed their complaint on May 27, 2020 (the “Complaint”). ECF 1. The Complaint raises Substantive Due Process and Equal Protection challenges to the “In-Person Dispensing Requirement” for the drug Mifepristone in light of the COVID-19 pandemic. ECF 1 at ¶¶ 122–125. Together with the Complaint, Plaintiffs filed a Motion for Preliminary Injunction and Request for Expedited Oral Argument (the “Motion”). ECF No. 11.

2. On June 1, 2020, the Court entered an order setting briefing deadlines and scheduling a video hearing on the Motion for Friday, June 19, 2020 at 9:30am (the “Hearing”). ECF No. 37. The Court’s order directed the Parties “to notify the Court of the identity of any proposed hearing witnesses and the expected length of their testimony” by June 8, 2020 for Defendants and June 12, 2020 for Plaintiffs. *Id.* at 2.

3. The Parties hereby notify the Court that neither Plaintiffs nor Defendants will call any witnesses at the Hearing.

/s/ John A. Freedman

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CERTIFICATE OF SERVICE

I certify that on June 8, 2020, I filed a copy of this Joint Response to Scheduling Order with the Court's CM/ECF system, which electronically transmits a copy to all registered parties.

/s/ Molissa H. Farber
Molissa H. Farber
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